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10/536,673	05/27/2005	Judith Anne Napier-Clark	1025-P03634US00	4623

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DANN, DORFMAN, HERRELL & SKILLMAN
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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/536,673

Applicant(s)

NAPIER-CLARK, JUDITH ANNE

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 9-13 is/are pending in the application.
4a) Of the above claim(s) 6 and 8 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5,7 and 9-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Detailed Action

1. This office action is for amendment received on 12/7/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazuko (JP 2001-119,159).

For claim 1, Kazuko discloses a portable personal communications [portable telephone 1, drawing 3] and cosmetics apparatus [9, 60, 6a-6d, 8a-8d, paragraph 0057-0064, 0051] comprising a base unit [body 2 & first housing 3, abstract, drawing 3] having side walls with plurality of cavities therein for receiving removable cosmetics products [side wall for holes 6a-6d for cosmetics 8a-8d] and

a mobile phone unit mounted on the base unit [portable telephone 1 is mounted on the body 2 & housing 3 which is integrated with cosmetic cartridge 9].

For claim 11, Kazuko teaches a portable telephone 1 and cosmetics apparatus [9, 60, 6a-6d, 8a-8d, paragraph 0057-0064, 0051, drawing 3],

the selected cosmetic products having screw-thread packages, selected ones of said cavities being screw-threaded complementary to said screw-threaded packages.

For claim 11, Kazuko teaches a portable telephone 1 and cosmetics apparatus [9, 60, 6a-6d, 8a-8d, paragraph 0057-0064, 0051, drawing 3],

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the selected cosmetic products having screw-thread packages, selected ones of said cavities being screw-threaded complementary to said screw-threaded packages [the screw threaded lid 8e having the complementary screw-thread on 7e, for the selected cosmetic product, liquid perfume, drawing 3, paragraph 47]

[Note: **Goldring, US 6,796,431 B1** also teaches the features for the screw-threaded selected cosmetic products being screw-threaded complementary to said screw-threaded package, col. 6, line 40 to col. 7, line 13, Fig. 5-6, thread 10].

3. Claims 7, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlino (US 2003/0000,865 A1).

For claim 7, Carlino teaches a portable personal communications [Palm Pilot or cellular telephone 14, Fig. 3A, Fig. 5] and cosmetics apparatus [12], comprising a base unit [base having back side 24, paragraph 0031]

a cosmetic carrier for cosmetic products [12, Fig. 2A, Fig. 4] comprising a tray slidable in the base unit carried by the base unit and movable relative thereto between an open position for accessing the cosmetics products and a closed position

[the tray, having slidable flap member 46 with foldable first half 16 & second half 18 of the cosmetic case 12, slidably inserted the member 46 into slot 50 of the back base; an open position for unfolding 16, 18 to access the cosmetics products & the closing position for carry 12, Fig. 2A, Fig. 4, paragraph 0028-0031],

a mobile phone unit mounted on the base unit [the cellular phone 14 having a shared base with the panel 52, pocket 48 with slit 50, paragraph 0029].

For claim 10, Carlino teaches a portable personal communications [Palm Pilot or cellular telephone 14, Fig. 3A, Fig. 5] and cosmetics apparatus [12], comprising a base unit

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[base having back side 24, paragraph 0031],

wherein said base unit side walls have a given depth [the side wall having depth of panel member 52, for pocket 48, on the back of the base unit integrated with cellular phone 14, Fig. 2/ Fig. 2A, paragraph 0027],

said base unit having a width of said mobile phone unit, a length greater than the length of said mobile phone unit [the back of base, having 52, 48, shares the same width with the cellular phone 14 & having length greater than cellular phone, Fig. 2A, paragraph 0027], and

an tray for receiving the cosmetics products slidably mounted in said base [the tray, having slidable flap member 46 with foldable first half 16 & second half 18 of the cosmetic case 12, slidably inserted the member 46 into slot 50 of the back base; an open position for unfolding 16, 18 to access the cosmetics products & the closing position for carrying the cosmetic 12, Fig. 2A, Fig. 4, paragraph 0028-0031],

said tray having a depth less than said given depth, one of said cavities slidably receiving said tray and other of said cavities adapted to receive individual cosmetic products [the member 46 having less depth of the panel 52, slit 50 for slidably receiving member 46 of the tray having 16, 18 of 12, & other cavities 32 on 16 for receiving cosmetic products 32, paragraph 0025, Fig. 2A & its description in specification].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-5, 9, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuko (JP 2001-119,159) in view of Carlino (US 2003/0000,865 A1).

For claim 2, Kazuko fails to teach the mobile phone unit is detachably mounted from the base unit.

Carlino teaches an apparatus [10, Fig. 3A/Fig. 1, Fig. 5/Fig. 5A], in which said mobile phone unit [cellular telephone 14] is detachably mounted on the base unit [14 is detachable mounted to base for 18 via 22, 28, paragraph 0024], in order to conveniently detach the phone from cosmetic case, for carrying the phone only. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Kazuko with Carlino's detachable phone, in order to conveniently detach the phone from cosmetic case, for carrying the phone only.

For claims 3, 9, Carlino teaches an apparatus [Fig. 3A] further comprising a top unit [12] for carrying further cosmetics products [cosmetic palette 30 in opening 32, paragraph 0029, Fig. 5], using the same reasoning to combine Carlino to Kazuko.

For claim 4, Carlino teaches an apparatus [Fig. 3A] in which the top unit [12] is detachably mountable on the mobile phone unit 14 [detachable mountable via 22, 28], using the same reasoning to combine Carlino to Kazuko.

For claim 5, Kazuko teaches an apparatus [1 in drawing 3] including a fascia device [60] detachably mountable on the mobile phone unit [1] when the latter is detached from the base unit [9, 2].

For claim 12, Kazuko teaches a portable personal communications [portable telephone 1] and cosmetics apparatus [9, 60, 6a-6d, 8a-8d, paragraph 0057-0064, 0051, drawing 3], comprising a mobile phone unit 1 non-detachably mounted in said case having a back coextensive in length and width with said unit [the non-detachable mounting of phone 1 in

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the housing case 3 which has back coextensive in length & width, for cosmetic stowage 9, drawing 3 & its corresponding description in specification],

said apparatus having a recess [91, paragraph 62] separating the phone unit 1 from the back of the case [3], and

a cosmetics carrier for cosmetics products comprising a tray [cartridge 60] slidable in the hollow recess [slidably insert 60 into hollow recess 91] of the case [9 integrated into 3].

Kazuko fails to teach the movable relative thereto between open position for accessing the cosmetics products and a closed position.

Calino teaches the movable relative thereto between open position for accessing the cosmetics products and a closed position [an open position for unfolding 16, 18 to access the cosmetics products & the closing position for carrying the cosmetic 12, Fig. 2A, Fig. 4, paragraph 0028-0031], in order to convenient carry the cosmetic 12. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Kazuko with Carlino's folding, unfolding, of the cosmetic products, in order to conveniently carrying it with the phone.

For claim 13, Kazuko teaches a portable telephone 1 and cosmetics apparatus [9, 60, 6a-6d, 8a-8d, paragraph 0057-0064, 0051, drawing 3], including plurality of the cavities in said base [holes 6a-6d],

the selected cosmetic products having screw-thread packages, selected ones of said cavities being screw-threaded complementary to said screw-threaded packages [the screw threaded lid 8e having the complementary screw-thread on 7e, for the selected cosmetic product, liquid perfume, drawing 3, paragraph 47]

[Note: **Goldring, US 6,796,431 B1** also teaches the features for the screw-threaded selected cosmetic products being screw-threaded complementary to said screw-threaded package, col. 6, line 40 to col. 7, line 13, Fig. 5-6, thread 10].

Response to Argument

5. Applicant's arguments with respect to claims 1-5, 7, 9-13 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant argument, amended claim 1 & adding new claims 11-13, based on the no teachings for a base unit having side walls with plurality of cavities therein for receiving removable cosmetics products; a cosmetics carrier for cosmetics products comprising a tray slidable in the base unit carried by the base unit and movable relative thereto between an open position for accessing the cosmetics products and a closed position, reference **Kazuko (JP 2001-119,159)** is included in the office action above.

Kazuko teaches the cosmetic cartridge 60, having plurality of holes, cavities, 6a-6d, for cosmetic products 8a-8d, to be stored into the cartridge storage 9 is on the base of the housing 3 of the portable telephone 1 [drawing 3, paragraph 0057-0064, 0051], for the features, a base unit having side walls with plurality of cavities therein for receiving removable cosmetics products.

Carlino-'865A1 teaches the slidable cosmetic case 12, having member 46 to be inserted into slot 50 of the cellular telephone, between an open for accessing cosmetics products & the closing position [Fig. 2A, Fig. 4, paragraph 0029, 0031], for a cosmetics carrier for cosmetics products comprising a tray slidable in the base unit.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

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Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *cc*.

February 2, 2007.


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